

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18545. Misbranding of Dr. Lee's Prescription No. 3566. U. S. v. 5 Dozen Bottles of Dr. Lee's Prescription No. 3566. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26261. I. S. No. 29710. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's Prescription No. 3566, from the shipments herein described having shown that the article contained less alcohol than declared on the label and that the bottle and carton labels bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 dozen bottles of Dr. Lee's Prescription No. 3566, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., in part on or about October 10, 1930, and in part on or about February 27, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs such as uva ursi, alcohol (by volume 18.3 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "Alcohol 24%," was false and misleading when applied to an article containing a less amount. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A treatment for Disorders of the Kidneys, Bladder & Backache Trouble * * * Suggested as an aid in the treatment of Preliminary disorders leading to Acute and Chronic Diseases of the Kidneys, Liver and Bladder, Uric Acid, Gravel, or Stone in the Bladder, Retention of Urine, Pains in Urinating, Thick, Sluggish or Scanty Urine, Irritation, Inflammation or Catarrh of the Bladder, Pain in Urethra, Diabetes and Gout;" (bottle) "A treatment for Disorders of the Kidneys, Bladder & Backache Trouble * * * Suggested as an aid in the treatment of Preliminary disorders leading to Acute and Chronic Diseases of the Kidneys, Gravel or Stone in the Bladder, Catarrh of the Bladder, Bladder and Urinary Disorders."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18546. Misbranding of Dr. Lee's rheumatic elixir. U. S. v. 3 Dozen Bottles of Dr. Lee's Rheumatic Elixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26262. I. S. No. 29711. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's rheumatic elixir, from the shipment herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Dr. Lee's rheumatic elixir, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., on or about February 16, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (7.8 per cent), alcohol, sugar, flavoring material, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Elixir * * * Useful in the treatment of Gout, Lumbago, Kidney Ailments of certain kinds and Inflammation of the Joints * * * Rheumatic Elixir. A preparation for people afflicted with Acute, Chronic, Inflammatory or Sciatic Pains and Gout;" (bottle) "Rheumatic Elixir * * * For people afflicted with such ailments as Acute, Chronic, Inflammatory or Sciatic Pains, Rheumatic Pains, Gout, Lumbago and Inflammation of the Joints."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18547. Adulteration and misbranding of Dr. Lee's Antiseptine powder. U. S. v. Twenty-four ¼-Pound Sized Bottles, et al., of Dr. Lee's Antiseptic (Antiseptine) Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26263. I. S. Nos. 29712, 29713. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's Antiseptine powder, from the shipments herein described having shown that the article was represented to be antiseptic, whereas it was not, also that the label bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-four ¼-pound bottles and twenty 1-pound bottles of Dr. Lee's Antiseptic (Antiseptine) powder, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., in part on or about October 10, 1930, and in part on or about January 29, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid and aluminum sulphate (7.7 per cent), salicylic acid (0.08 per cent), and small proportions of menthol, thymol, eucalyptol, and methyl salicylate. The article was not antiseptic when used as directed.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton) "Antiseptic," and the strength of the said article fell below such professed standard, in that it was not antiseptic when used according to directions.

Misbranding was alleged for the reason that the following statements, appearing in the labeling, were false and misleading when applied to an article which was not antiseptic when used according to directions: "Antiseptine * * * Antiseptic * * * Douche—Heaping teaspoonful to 2 quarts hot water. * * * Internal Hemorrhoids—teaspoonful to pint cold water, injected * * * Reducing Temperature—Tablespoonful in a pint warm water, bathe freely * * * Gastric and Intestinal Irrigation—Level teaspoonful to pint warm water. Cystitis—Level teaspoonful to quart warm water. Nose and Throat—Level teaspoonful to pint warm water, * * * Nasal Douche. Gargle—teaspoonful to glass warm water * * * Douche the parts regularly according to directions with Antiseptine Powder in solution in order that its * * * antiseptic action may cleanse and heal the affected parts." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the label, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Relieves Irritation and Soreness of Unhealthy and Diseased Mucous Membranes. Indications—Internal Hemorrhoids, Cystitis, Nose and Throat Irritations, Leucorrhoea, Pruritis and Vaginal Irritation. * * * remedial effects in such ailments